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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 PACIFIC MARITIME FREIGHT, INC.,  
12 Plaintiff,  
13 v.  
14 SONIA L. FOSTER; THE FOSTER  
15 GROUP, INC.; DOES 1 through 10,  
16 inclusive,  
17 Defendants,  
18  
19 AND RELATED COUNTERCLAIM  
20

Case No. 10cv00578 BTM (BLM)

**ORDER GRANTING MOTION TO  
WITHDRAW**

21 Gordon & Rees, LLP ("G&R") has filed a motion to withdraw as counsel of record for  
22 Defendants Sonia L. Foster and The Foster Group, Inc. (collectively, the "Foster  
23 Defendants").

24 G&R seeks to withdraw as counsel of record on the grounds that the Foster  
25 Defendants have ceased communicating with G&R, have made it unreasonably difficult for  
26 G&R to carry out its representation effectively, and have failed to comply with contractual  
27 obligations to pay fees and expenses to G&R.

28 Under California's Rules of Professional Conduct, withdrawal is permissible if the  
client "renders it unreasonably difficult for the [attorney] to carry out the employment  
effectively, or . . . breaches an agreement or obligation to the [attorney] as to expenses or  
fees." Cal. R. Prof. Conduct 3-700(C)(1)(d) & (f).

1 Based on G&R's representations, set forth in the Declaration of Russell P. Brown, that  
2 the Foster Defendants ceased communicating with G&R in June 2011, and that they have  
3 failed to meet obligations as to fees and expenses owed both to G&R and to expert  
4 witnesses retained by G&R for the purposes of this representation, the Court finds that  
5 withdrawal is justified. Therefore, the Court **ORDERS** as follows:

- 6 1. G&R's motion to withdraw as counsel of record for the Foster Defendants is  
7 hereby **GRANTED**.
- 8 2. The stay of this case, entered on September 22, 2011 (Dkt. No. 34) is hereby  
9 **LIFTED**.
- 10 3. The Clerk shall terminate Gordon & Rees, LLP as counsel of record for  
11 Defendants Sonia L. Foster and The Foster Group, Inc.
- 12 4. G&R shall immediately serve a copy of this Order on both of the Foster  
13 Defendants, and shall file a proof of service with the Court.
- 14 5. Within **five days** of receiving this Order, The Foster Defendants shall provide,  
15 by fax or email, to the Court and to Plaintiff's counsel, current contact  
16 information for telephone, mail/delivery, e-mail, and fax.
- 17 6. The Foster Group, Inc. must retain new counsel and its new counsel must file  
18 a notice of appearance within **45 days** of the entry of this order. Since a  
19 corporation<sup>1</sup> cannot represent itself, if The Foster Group, Inc. does not obtain  
20 counsel, the Court may enter a default judgment against it and may dismiss its  
21 counterclaim for failure to prosecute.
- 22 7. All parties shall appear for a status conference on **Tuesday, February 21, at**  
23 **4:00 p.m.**

24 **IT IS SO ORDERED.**

25 Dated: December 28, 2011

  
**HONORABLE BARRY TED MOSKOWITZ**  
United States District Judge

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27  
28 <sup>1</sup>It appears from the record that The Foster Group, Inc. is a Maryland corporation.  
See Dkt. No. 12-1 at 2 of 8 (Exhibit A to Defendants' Answer to the Complaint).